

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARL BOONE,

Petitioner,

CIVIL CASE NO. 07-10690

v.

DAVID BERGH, Warden,

HONORABLE PAUL V. GADOLA
U.S. DISTRICT COURT

Respondent.

_____ /

ORDER CLOSING CASE AND TRANSFERRING ALL DOCUMENTS

On November 29, 2004, the Court determined that Petitioner had not administratively exhausted all the claims raised in his Petition for Writ of Habeas Corpus, in Case No. 04-40077. Accordingly, the Court ordered Petitioner to either return to this Court with only the exhausted claims or to return to the Court following his exhaustion of state remedies. The Court further stated that, "Upon returning to federal court, Petitioner shall use the same caption and case number that appear on this order." Opinion and Order, p. 5, Case No. 04-40077 (Nov. 29, 2004) [docket entry #24].

On February 15, 2007, Petitioner returned to this Court and filed a new Petition for Writ of Habeas Corpus. That case was assigned a new case number, Case No. 07-10690, and was assigned to the Honorable Nancy Edmunds. After initial review, it was determined that this new Petition was related to Petitioner's 2004 Petition. Accordingly, the case was reassigned to the undersigned, but not before several documents were filed in the matter under the new 2007 case number.

Accordingly, for judicial efficiency and clarification of the docket;

IT IS HEREBY ORDERED that the Clerk of the Court **REOPEN** Case No. **04-40077**.

IT IS FURTHER ORDERED that the Clerk of the Court **AMEND** the caption of Case No. 04-40077 to reflect the new warden (formerly Paul H. Renico, presently David L. Bergh).

IT IS FURTHER ORDERED that the Clerk of the Court **TRANSFER** all documents presently filed under Case No. **07-10690** to Case No. **04-40077**.

IT IS FURTHER ORDERED that the Clerk of the Court **TERMINATE** Case No. **07-10690**.

IT IS FURTHER ORDERED that all future filings be **FILED** under Case No. **04-40077**.

SO ORDERED.

Dated: August 10, 2007

s/Paul V. Gadola
HONORABLE PAUL V. GADOLA
UNITED STATES DISTRICT JUDGE

Certificate of Service

I hereby certify that on August 10, 2007, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following:

B. Eric Restuccia, and I hereby
certify that I have mailed by United States Postal Service the paper to the following non-ECF
participants: Carl Boone.

s/Ruth A. Brissaud
Ruth A. Brissaud, Case Manager
(810) 341-7845